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jc872 U.S. PTO  
09/929770  
08/14/01

Case Docket No. 479.58-3

THE COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

Sir:

Transmitted herewith for filing is the patent application of

Inventor: **NAPOLEONE FERRARA, DENIS  
GOSPODAROWICZ and JEAN PLOUET**  
For: **ENDOTHELIAL CELL GROWTH FACTOR,  
METHODS OF ISOLATION AND EXPRESSION**

"Express Mail mailing label number RB341669779

Date of Deposit June 1, 1989

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Howard M. Peters

(Name of person mailing paper or fee)  
*Howard M. Peters*  
(Signature of person mailing paper or fee)

Enclosed are:

- ☒ Nineteen (19) sheets of drawing.
- ☐ An assignment of the invention to \_\_\_\_\_
- ☐ A certified copy of a \_\_\_\_\_ application.
- ☒ A Declaration and Power of Attorney.
- ☐ Statement(s) to establish small entity (SE) status under 37 CFR 1.9 and 1.27.

FILING FEE CALCULATION - CLAIMS AS FILED				(5) BASIC FEE	
(1) FOR		(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	
TOTAL CLAIMS	SMALL ENTITY	-20=		\$	
	OTHER	44 -20=	24	\$12	288
INDEP. CLAIMS	SMALL ENTITY	- 3=		\$	
	OTHER	8 - 3=	5	\$36	180
					\$838.

Our check in the amount of \$ 838.00 includes:

- ☒ \$ 838.00 for the Filing Fee.
- ☐ \$ \_\_\_\_\_ for recording the Assignment.
- ☐ Please charge my Deposit Account No. 16-1560 in the amount of \$ \_\_\_\_\_  
A duplicate copy of this sheet is enclosed.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required under 37 CFR 1.16, or credit any overpayment to Account No. 16-1560.

*Howard M. Peters*  
Howard M. Peters, Reg. No. 292202

## DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT OR CIP APPLICATION)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

ENDOTHELIAL CELL GROWTH FACTOR, METHODS OF  
ISOLATION AND EXPRESSION

the specification of which: (complete (a), (b) or (c) for type of application)

## REGULAR OR DESIGN APPLICATION

(a) ☒ is attached hereto.

(b) ☒ was filed on June 1, 1989 as Application Serial No. 360,235  
and was amended on \_\_\_\_\_

## PCT FILED APPLICATION ENTERING NATIONAL STAGE

(c) ☐ was described and claimed in International Application No. \_\_\_\_\_ filed on \_\_\_\_\_ and as amended on \_\_\_\_\_

## ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (a).

☐ In compliance with this duty there is attached an information disclosure statement, 37 CFR 1.97.

## PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

(complete (d) or (e))

(d) ☐ no such applications have been filed.(e) ☐ such applications have been filed as follows

EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO SAID APPLICATION

Country	Application No.	Date of filing (day, month, year)	Date of issue (day, month, year)	Priority Claimed
				<input type="checkbox"/> YES <input type="checkbox"/> NO
				<input type="checkbox"/> YES <input type="checkbox"/> NO
				<input type="checkbox"/> YES <input type="checkbox"/> NO

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO SAID APPLICATION

09929770-081401

## DECLARATION AND POWER OF ATTORNEY

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As a below named inventor, I hereby declare that:

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## REGULAR OR DESIGN APPLICATION

(a) ☒ is attached hereto.(b) ☒ was filed on JUNE 1, 1982 as Application Serial No. 360,235 and was amended on3/13/90  
D6

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(c) ☐ was described and claimed in International Application No. filed on and as amended on

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09929770-081401

CONTINUATION-IN-PART

(complete this part only if this is a continuation-in-part application)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>328,181</u>	<u>March 24, 1989</u>	<u>Pending</u>
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
<u>346,165</u>	<u>May 2, 1989</u>	<u>Pending</u>
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)

POWER OF ATTORNEY

As a named inventor, I hereby appoint HOWARD M. PETERS  
Patent and Trademark Office Reg. No. 29,202, and each member of the firm of Phillips, Moore, Lempio and Finley, all of the address listed below, my principal attorney and agents, with full power of substitution and revocation, to appoint other principal and associate attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith

SEND CORRESPONDENCE TO:

PHILLIPS, MOORE, LEMPPIO & FINLEY  
177 Post Street, Suite 800  
San Francisco, California 94108  
Telephone: (415) 421-2674

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Napoleone Ferrara

Inventor's signature Napoleone Ferrara

Date 7-27-90 Country of Citizenship Italy

Residence 2 Britton Avenue, P. O. Box 619

Post Office Address Belvedere, California 94920

Full name of second joint inventor, if any Denis Gospodarowicz

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_ Country of Citizenship France and U.S.A.

Residence 215 Maywood Drive

Post Office Address San Francisco, California 94127

CHECK PROPER BOX(ES) FOR ANY ADDED PAGE(S) FORMING A PART OF THIS DECLARATION

☒ Signature for third and subsequent joint inventors. Number of pages added 1

☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. Number of pages added \_\_\_\_\_

☐ Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47. Number of pages added \_\_\_\_\_

0992970-081401

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and was amended on \_\_\_\_\_

JP

04/04/199

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(c) ☐ was described and claimed in International Application No. \_\_\_\_\_ filed on \_\_\_\_\_ and as amended on \_\_\_\_\_

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				<input type="checkbox"/> YES <input type="checkbox"/> NO
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				<input type="checkbox"/> YES <input type="checkbox"/> NO

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09929770-081401

# CONTINUATION-IN-PART

(complete this part only if this is a continuation-in-part application)

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(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)

## POWER OF ATTORNEY

As a named inventor, I hereby appoint \_\_\_\_\_ Patent and Trademark Office Reg. No. \_\_\_\_\_, and each member of the firm of Phillips, Moore, Lempio and Finley, all of the address listed below, my principal attorney and agents, with full power of substitution and revocation, to appoint other principal and associate attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith.

SEND CORRESPONDENCE TO:

PHILLIPS, MOORE, LEMPION & FINLEY  
177 Post Street, Suite 800  
San Francisco, California 94108  
Telephone: (415) 421-2674

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of ~~second~~ <sup>third</sup> inventor Jean Plouet  
Inventor's signature J. P.  
Date 04/04/1990 Country of Citizenship France  
Residence 2121 - 15th Avenue  
Post Office Address San Francisco, California 94116

~~PRESENTLY RESIDING AT:~~  
Full name of ~~second~~ <sup>third</sup> inventor Denise Gospodarowicz  
Inventor's signature D. G.  
Date 04/04/1990 Country of Citizenship FRANCE  
Residence 3 RUE DES LILAS  
Post Office Address 75019 PARIS

CHECK PROPER BOX(ES) FOR ANY ADDED PAGE(S) FORMING A PART OF THIS  
DECLARATION

- page in behalf of nonsigning inventor Denis Gospodarowicz
- ☒ Signature for ~~third~~ <sup>second</sup> and subsequent inventors. Number of pages added 1
- ☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. Number of pages added
- ☐ Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47. Number of pages added

099229770-081401

# ATION-IN-PART

(complete this part only if this is a continuation-in-part application)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

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(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
<u>- 346,165</u>	<u>May 2, 1989</u>	<u>Pending</u>
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)

## POWER OF ATTORNEY

As a named inventor, I hereby appoint HOWARD M. PETERS  
Patent and Trademark Office Reg. No. 29,202, and each member of the firm of Phillips, Moore, Lempio and Finley, all of the address listed below, my principal attorney and agents, with full power of substitution and revocation, to appoint other principal and associate attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith.

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Full name of sole or first inventor Napoleone Ferrara  
Inventor's signature \_\_\_\_\_  
Date \_\_\_\_\_ Country of Citizenship Italy  
Residence 2 Britton Avenue, P. O. Box 619  
Post Office Address Belvedere, California 94920

Full name of second joint inventor, if any Denis Gospodarowicz  
Inventor's signature *D. Gospodarowicz*  
Date 3/13/90 Country of Citizenship France and U.S.A.  
Residence 215 Maywood Drive  
Post Office Address San Francisco, California 94127

CHECK PROPER BOX(ES) FOR ANY ADDED PAGE(S) FORMING A PART OF THIS DECLARATION

- ☒ Signature for third and subsequent joint inventors. Number of pages added 1
- ☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. Number of pages added \_\_\_\_\_
- ☐ Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47. Number of pages added \_\_\_\_\_

ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR  
SIGNATURE BY ONE JOINT INVENTOR ON BEHALF OF OMITTED INVENTOR(S)  
WHO REFUSES TO SIGN OR CANNOT BE REACHED  
[37 C.F.R. 1.47(a)]

I. I am an above named joint inventor and have signed this declaration on my own behalf and also sign this declaration under 37 C.F.R. 1.47(a) on behalf of the omitted joint inventor, particulars for whom are:

Full Name of DENIS GOSPODAROWICZ, omitted inventor who refuses to sign.

Country of Citizenship of omitted inventor: France and United States of America.

Last known address of omitted inventor:

Home Address:  
Denis Gospodarowicz  
215 Maynard Drive  
San Francisco, California 94127

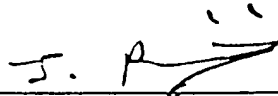
Employment Address:  
Dr. Denis Gospodarowicz  
Department of Medicine  
Cancer Research Institute M 1282  
Sciences Building, Room 1179  
University of California 94143

II. Accompanying this declaration is:

- (1) A DECLARATION OF FACTS IN SUPPORT OF FILING ON BEHALF OF OMITTED INVENTOR
- (2) THE PETITION FEE OF \$120.00 [37 C.F.R. 1.17(h)]; if needed. Authorization is made to charge or credit Deposit Account No. 16-1560.

Date:

04/04/1990

  
Jean Plouet

09929770-081401



ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR  
SIGNATURE BY ONE JOINT INVENTOR ON BEHALF OF OMITTED INVENTOR(S)  
WHO REFUSES TO SIGN OR CANNOT BE REACHED  
[37 C.F.R. 1.47(a)]

I. I am an above named joint inventor and have signed this declaration on my own behalf and also sign this declaration under 37 C.F.R. 1.47(a) on behalf of the omitted joint inventor, particulars for whom are:

Full Name of DENIS GOSPODAROWICZ, omitted inventor who refuses to sign.

Country of Citizenship of omitted inventor: France and United States of America.

Last known address of omitted inventor:

Home Address:  
Denis Gospodarowicz  
215 Maynard Drive  
San Francisco, California 94127

Employment Address:  
Dr. Denis Gospodarowicz  
Department of Medicine  
Cancer Research Institute M 1282  
Sciences Building, Room 1179  
University of California 94143

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